

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DEAN J. CUNNINGHAM, JR.,
RITA K. CUNNINGHAM,

Plaintiffs,

v.

Case Number 10-13208-BC
Honorable Thomas L. Ludington

STATE OF MICHIGAN, DAWN
RAY, WILLIAM JOHNSON,

Defendants.

_____/

**ORDER ADOPTING JUDGE BINDER'S REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTION TO DISMISS, AND DISMISSING PLAINTIFFS'
COMPLAINT WITH PREJUDICE**

Magistrate Judge Charles E. Binder issued a report and recommendation [Dkt. # 19] on January 10, 2011, recommending that the Court grant Defendants' motion to dismiss [Dkt. # 12]. Any party may serve and file written objections to a report and recommendation "[w]ithin fourteen days after being served with a copy" of the report. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report and recommendation the Court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation [Dkt. # 19] is **ADOPTED**.

It is further **ORDERED** Defendant's motion to dismiss [Dkt. # 12] is **GRANTED**.

It is further **ORDERED** that Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 1, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 1, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS